

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SIA HENRY *et al.*, individually and on behalf of all  
others similarly situated,

*Plaintiffs,*

v.

BROWN UNIVERSITY, *et al.*,

*Defendants.*

Civil Action No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**CORNELL UNIVERSITY’S MOTION TO FILE UNDER SEAL EXHIBIT A  
TO ITS MEMORANDUM OF LAW IN RESPONSE TO  
CORNELL STUDENTS’ OBJECTIONS UNDER FERPA**

Pursuant to the Amended Confidentiality Order in this case (ECF No. 416-1) and Local Rule 26.2, Defendant Cornell University (“Cornell”) respectfully requests that the Court grant this Motion to File Under Seal Exhibit A to its Memorandum of Law In Response to Cornell Students’ Objections Under FERPA. In support of this Motion, Cornell states as follows:

**LEGAL STANDARD**

1. The Seventh Circuit has long recognized that “[i]nformation that affects the disposition of litigation belongs in the public record *unless* a statute or privilege justifies nondisclosure,” and documents containing confidential information may be sealed. *United States v. Foster*, 564 F.3d 852, 853 (7th Cir. 2009) (emphasis added). A court may enter an order directing a document or portion of a document be shielded from public disclosure upon a showing of “good cause.” *See, e.g., Bond v. Utreras*, 585 F.3d 1061, 1074 (7th Cir. 2009).

## **DISCUSSION**

2. “[A] court may for good cause shown enter an order directing that one or more documents be filed under seal.” Loc. R. 26.2(b).

3. Cornell moves to place Exhibit A to its Memorandum of Law In Response to Cornell Students’ Objections Under FERPA (“Response”) under seal as it implicates students’ Education Records that Cornell is obligated under FERPA to protect from public disclosure. 20 U.S.C. § 1232g(b)(2) (finding a lack of compliance under FERPA where an institution has a “practice of releasing, or providing access to, any personally identifiable information in education records”). Exhibit A contains the names of students and their parents and/or grandparents. Exhibit A also contains information describing the parents and/or grandparents. *See* 34 C.F.R. § 99.3 (providing that, under FERPA, PII “includes, but is not limited to . . . [o]ther information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty”). Cornell has not made the sensitive information contained within Exhibit A to its Response publicly available, and this information should remain under seal so as to protect the privacy interests of the students and families encompassed by FERPA, which the Court provided for in its FERPA Order and Amended Confidentiality Order. ECF No. 231; ECF No. 416-1.

4. In accordance with Local Rule 26.2(c), Cornell’s Response will continue to be provisionally under seal, but an unredacted version will be provided to counsel of record and the Court. In addition, a redacted “public-record” version will be filed via the ECF system within 14 days.

**CONCLUSION**

For the foregoing reasons, Cornell respectfully requests that the Court grant this Motion to Seal and enter an order permitting Cornell to file a sealed version of Exhibit A to its Response, and to file a “public-record” version of its Response, the Declaration of Norman Armstrong, and exhibits with Exhibit A redacted.

Dated: December 18, 2023

Respectfully submitted,

By: /s/ Norman Armstrong

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